

# **MONACO 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Principality of Monaco is a constitutional monarchy in which the sovereign prince plays the leading governmental role. The prince appoints the government, which consists of a minister of state and five ministers. The prince shares the country's legislative power with the popularly elected National Council, which is elected every five years. Multiparty elections for the National Council in 2018 were considered free and fair.

The national police are responsible for maintaining public order and the security of persons and property. The Palace Guard is responsible for the security of the prince, the royal family, and their property. Both report to the Ministry of Interior. Civilian authorities maintained effective control over the security forces. There were no reports security forces committed abuses.

Significant human rights issues included the existence of laws criminalizing libel and offending the prince.

The country had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in official corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or**

## **Punishment**

The constitution and law prohibit such practices, and there were no reports that government officials employed them. Impunity was not a significant problem in the security forces.

### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. Authorities usually sent noncitizens sentenced to long prison terms to France to serve their terms.

**Physical Conditions:** There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse. In May the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its most recent visit in September 2020 to all places of detention in the country. The report noted the CPT received no allegations of mistreatment and that many of those incarcerated said that they had been treated with respect by law enforcement officials and prison and hospital staff.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers such as regularly scheduled visits by the CPT.

## **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

Arrest warrants are required. A detainee must appear before an investigating magistrate within 24 hours of arrest to be informed of the charges against him and of his rights under the law, and authorities generally respected this requirement. There is a functioning bail system. Authorities released most detainees without

bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. Detainees generally had prompt access to a lawyer, and the government provided one to indigent defendants.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

### **Trial Procedures**

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and were generally informed promptly and in detail of the charges against them. Except for cases involving minors, trials were conducted in public, usually before a judge or tribunal of judges. Defendants have the right to a fair and timely trial, be present at their trial and to consult with an attorney of their choice. The law provides for an attorney to be provided at public expense, if needed, when defendants face serious criminal charges. Defendants and their counsel have a right to adequate time and facilities to prepare a defense and have access to free interpretation if necessary. Defendants were able to question the testimony of prosecution or plaintiff witnesses against them and present witnesses and evidence in their defense. They may not be compelled to testify or confess guilt. Defendants have a right to appeal.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The country has an independent and impartial judiciary in civil matters, and residents have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. Plaintiffs regularly used available administrative remedies to seek redress for alleged wrongs. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the

European Court of Human Rights after they exhaust all avenues of appeal in national courts.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties**

#### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

**Freedom of Expression:** Although rarely enforced, the law prohibits offending the prince and provides for punishment of from six months to five years in prison. If not committed publicly, the act may be punished with imprisonment from six months to three years. The law also prohibits offending the family of the prince and provides for punishment of from six months to three years in prison. If not committed publicly, the act is punishable with imprisonment from three months to one year. Authorities did not charge anyone with violating these statutes during the year.

**Libel/Slander Laws:** The law prohibits defamation or insult, particularly against citizens responsible for a public service or office and provides for imprisonment of up to two years depending on the severity of the case.

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private

online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Monaco is not normally a refugee-receiving country, and France handles immigration matters for Monaco.

## **Section 3. Freedom to Participate in the Political Process**

The authority to change the government and to initiate legislation rests solely with the prince. The constitution can be revised by common agreement between the prince and the elected National Council. The constitution and law provide citizens the ability to choose the National Council in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

## **Elections and Political Participation**

**Recent Elections:** Observers considered the National Council elections in 2018 to be free and fair.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women and members of minorities in the political process, and they did participate.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

## **Section 5. Governmental Posture Toward International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

While the government did not restrict the establishment or operation of groups devoted to monitoring human rights, none existed in the country. International human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases.

**Government Human Rights Bodies:** The government's mediation service is available to residents seeking redress against administrative decisions. The Office of the High Commissioner for the Protection of the Rights and Freedoms and Mediation protects human rights and fights discrimination. While the office acted independently, had adequate resources, and was considered effective, the government does not allow the high commissioner to initiate investigations on her own.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape, including spousal rape, is a criminal offense with penalties of five to 20 years in prison, depending on the type of offense. The law prohibits domestic violence, and victims may bring criminal charges against abusive spouses. Domestic violence that leads to a significant injury carries a potential sentence of 10 to 20 years in prison. The government enforced the law effectively.

**Sexual Harassment:** Sexual harassment is a criminal offense with penalties of three months to three years in prison, depending on the type of offense. The government enforced the law efficiently. There were no reports of sexual harassment during the year.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Through the program Aid to Victims of Infractions, the government provided access to sexual and reproductive health services for survivors of sexual violence. Contraception was available as part of clinical management of rape.

**Discrimination:** The law provides for the equality of men and women. The government enforced the law effectively.

### **Systemic Racial or Ethnic Violence and Discrimination**

The country's law does not clearly define discrimination, but it does prohibit any defamation, call to violence, or public expression of hate against anyone based upon gender, real or presumed race or ethnic origin, handicap, sexual orientation, or religion. Penalties for violations can include fines or up to six months in prison; violations can also be aggravating factors that lead to harsher sentences for other related crimes.

Police and judicial statistics on hate crimes and hate speech were not published. According to the Organization for Security and Cooperation in Europe, the country

has never submitted data on hate crimes.

## **Children**

**Birth Registration:** Citizenship may be transmitted by a citizen parent. The government registered births immediately.

**Child Abuse:** There are robust laws in the principality against child abuse, with punishments ranging to restraining orders to 20 years in prison based up on the severity of the case. The law provides for physical, medical, and legal aid for any child who has been a victim.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage in the country is 18 for women and men. Children younger than 18 need parental authorization to marry.

**Sexual Exploitation of Children:** Child prostitution and child pornography are illegal, and authorities enforced the law. The minimum legal age for consensual sex is 15.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

According to the European Jewish Congress, the Jewish community numbered approximately 1,000 persons, most of whom were not citizens of the country but foreign residents. According to the Monaco-based Association Culturelle Israelite, there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

There were no confirmed reports during the year that Monaco was a source, destination, or transit country for victims of human trafficking. Trafficking in persons is a criminal offense.



## **Persons with Disabilities**

The constitution and the law prohibit discrimination against persons with disabilities in education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. The government effectively implemented these laws.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation or gender identity, including in housing, employment, nationality, and access to government services. It provides for fines, imprisonment, or both for persons who provoke hatred or violence against a person or group due to their sexual orientation, real or perceived. The government enforced these laws.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers, including foreign workers, to form and join independent unions, bargain collectively, and conduct legal strikes; government workers do not have the right to strike. Antiunion discrimination is prohibited. The law requires the majority of members of a trade union's bureau to be citizens of Monaco or France. Union representatives may be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. The government and employers generally respected freedom of association and the right to bargain collectively, and employer organizations and trade unions negotiated agreements on working conditions that were largely respected.

The government generally enforced the law. Penalties were commensurate with those for other laws involving denials of civil rights. The government provides the assistance of mediators for private or professional conflicts to avoid long and costly court procedures and to find a solution acceptable to all parties to the dispute.

## **b. Prohibition of Forced or Compulsory Labor**

The constitution and law prohibit all forms of forced or compulsory labor. Information regarding the adequacy of resources, remediation effort, inspection sufficiency, and penalties for violations was not available. No cases alleging forced labor were filed during the year. It is impossible for authorities to know whether unreported cases of forced domestic labor took place in homes or on yachts, because the labor law prohibits inspectors from entering private residences unannounced without a warrant.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for employment is 16. Employment opportunities for individuals between the ages of 16 and 18 are severely restricted: Individuals younger than 18 are allowed to work eight hours per day to a maximum of 39 hours per week and are barred from night work. The government enforced the law effectively. Penalties were commensurate with those for similar crimes; no violations were reported during the year.

## **d. Discrimination with Respect to Employment and Occupation**

The law requires equal pay for equal work. No data were available to substantiate any gender-based pay discrepancy. A 2019 agreement signed by representatives of seven labor-based industries and organizations in the country formalized employers' commitments to promote workplace equality and covers 99 percent of employers in the country. The law allows the firing of foreign employees without justification (except for French members of trade unions described in section 7.a.).

The government sufficiently enforced the laws, and penalties for violations were commensurate with other laws related to civil rights.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** There is a minimum wage, which exceeded the official estimate of the poverty level. Law and government decree establishing wages and hours are appropriate for the country.

The Department of Employment in the Ministry of Health and Social Affairs is responsible for enforcing wage and hour laws. The inspectorate had an adequate number of labor inspectors. The chief inspector answered directly to the director of the Department of Employment. Labor inspectors informed employers and employees on all matters related to labor laws and arbitrated, mediated, and reconciled labor/management disputes. They carried out regular on-site inspections, including unannounced visits, to ensure employers respected all requirements of the law.

The government effectively enforced wage and hour laws. Penalties were commensurate with those for similar violations.

**Occupational Safety and Health:** The laws and government decree establishing occupational safety and health standards were appropriate for the country. The same inspectors that cover wage and hour laws are responsible for enforcing occupational safety and health laws. Workplace health and safety committees and government labor inspectors effectively enforced the standards. Penalties were commensurate with those for similar violations, and inspection was sufficient to enforce compliance. Data were not available on enforcement of occupational safety and health standards in the small informal economy.